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UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

In re

PG&E Corporation,

and

PACIFIC GAS AND ELECTRIC
 COMPANY,

Debtors.

Case No. 19-30088-DM

Chapter 11

Lead Case, Jointly Administered

**DECLARATION OF CHRISTOPHER
 WHELAN IN SUPPORT OF MOTION
 FOR RELIEF FROM STAY, OR
 ALTERNATIVELY, FOR ABSTENTION**

Date: June 24, 2020

Time: 10:00 a.m.

Crtrm.: Courtroom 17

450 Golden Gate Avenue
 San Francisco, CA 94102

Judge: Hon. Dennis Montali

☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

*All papers shall be filed in the Lead Case,
 No. 19-30088-DM,

Objection deadline: June 19, 2020
 4:00 p.m. (Pacific Time)

I, Christopher Whelan, declare:

1. I am over the age of eighteen (18), provide this declaration in support of Dwyane Little's MOTION FOR RELIEF FROM STAY, OR ALTERNATIVELY, FOR ABSTENTION ("Motion"), provide this testimony based on my personal knowledge, would testify consistently herewith if called to do so, and I am an attorney at law admitted to the state and federal courts of and in California.

2. I am counsel of record for movant-plaintiff Dwyane Little, in Yolo County Superior Court Case No. CV18-2183 ("Complaint" in the "State Court Case"). A true and correct

1 copy of the Complaint is attached hereto as Exhibit A. The Complaint was served pre-petition,
2 and discovery propounded.

3 3. Mr. Little's claims against PG&E (and other individual non-debtor defendants)
4 arise out of a series of events during the 2016-2018 timeframe mostly in Yolo County, California,
5 which gave rise to Mr. Little's claims for Age Discrimination, Age Harassment, Race
6 Discrimination, Race Harassment, Disability Discrimination, Disability Harassment, Unlawful
7 Retaliation, Wrongful Termination, and others.

8 4. I filed Proofs of Claim on Mr. Little's behalf, which have been denominated
9 Claims No.'s 3297 (Case No. 19-30089) and 3359 (Case No. 19-30088).

10 5. Mr. Little has demanded and is entitled to the right to try his claims to a jury.

11 I declare under penalty of perjury under the laws of the United States of America that the
12 foregoing statements are true and correct.

13 June 1, 2020

14 By:

15 
16 CHRISTOPHER WHELAN

EXHIBIT A

1 CHRISTOPHER H. WHELAN, INC.
2 Christopher H. Whelan, Esq. (SB 080823)
3 11246 Gold Express Drive, Suite 100
4 Gold River, California 95670
5 Phone: (916) 635-5577
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7
8 Attorneys for Plaintiff, DWYANE LITTLE
9

FILED
YOLO SUPERIOR COURT
NOV 21 2018
BY D. KRAUSE
DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF YOLO

10 DWYANE LITTLE)
11 Plaintiff,)
12 v.)
13 PG&E CORPORATION, PACIFIC)
14 GAS AND ELECTRIC COMPANY,)
15 STEVE LAL, STEVE STROUP and)
16 DOES 1 through 50, inclusive,)
17 Defendants.)
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Case No. CV18-2183

COMPLAINT FOR DAMAGES:

- (1) Age Discrimination (Gov. Code § 12940);
- (2) Age Harassment (Gov. Code § 12940);
- (3) Race Discrimination (Gov. Code § 12940(a));
- (4) Race Harassment (Gov. Code §§ 12940(j) and (k));
- (5) Disability Discrimination (Gov. Code § 12940(a));
- (6) Disability Harassment (Gov. Code §§ 12940(j) and (k));
- (3) Unlawful Retaliation (Gov. Code § 12940(h));
- (4) Failure to Prevent, Investigate, and/or Remedy Unlawful Harassment, Discrimination, and Retaliation (Gov. Code §§ 12940(j) & (k));
- (8) Retaliation in Violation of the Fair Employment & Housing Act (Age and Disability) (Gov. Code §§ 12940(h) & (i));
- (9) Wrongful Termination in Violation of Public Policy;
- (10) Defamation

JURY TRIAL DEMANDED

File by Fax

1 Plaintiff, DWYANE LITTLE, hereby alleges against Defendants, PG&E CORPORATION,
2 PACIFIC GAS AND ELECTRIC COMPANY, STEVE LAL, STEVE STROUP and DOES 1
3 through 50, inclusive, as follows:

4 **PARTIES**

5 1. Plaintiff, DWYANE LITTLE [hereinafter "LITTLE" or "PLAINTIFF"], was at
6 all times relevant hereto, a resident of the State of California, County of Sacramento, and a 23
7 year employee of PG&E CORPORATION [hereinafter "PG&E" and/or "DEFENDANT
8 EMPLOYER"], PACIFIC GAS AND ELECTRIC COMPANY, Inc. [hereinafter "PACIFIC"
9 and/or "DEFENDANT EMPLOYER"] and its predecessors at their Davis, California location in
10 Yolo County.

11 2. PLAINTIFF is informed and believes PG&E and PACIFIC are a corporation of
12 unknown origin, doing business in California, County of Yolo, and at all times relevant herein,
13 were employers of PLAINTIFF as defined by Cal. Gov. Code §§ 12926(d), 12940(a) and
14 12940(j)(4)(A).

15 3. At all times herein mentioned, Defendant, STEVE LAL [hereinafter "LAL"], was
16 and is a resident of California, and a senior program manager for DEFENDANT EMPLOYERS
17 working at the Davis, California location when these complained of acts occurred. LAL,
18 PLAINTIFF's supervisor, defamed, discriminated against and harassed PLAINTIFF because of
19 his age, race, disability, need for accommodations, and FMLA/CFRA leave. All the conduct
20 complained of herein occurred in the County of Yolo.

21 4. At all times herein mentioned, Defendant, STEVE STROUP [hereinafter
22 "STROUP"], was and is a resident of California, and a project manager supervisor for
23 DEFENDANT EMPLOYERS working at the Davis, California location when these complained
24 of acts occurred. STROUP PLAINTIFF's supervisor, defamed, discriminated against and
25 harassed PLAINTIFF because of his race, age, disability, need for accommodations, and FMLA
26 leave. All the conduct complained of herein occurred in the County of Yolo.

27 5. PLAINTIFF is informed and believes that DOES 1 through 50, inclusive, are the
28 parent, subsidiary, or related corporations to PG&E and/or PACIFIC, and at all relevant times

1 herein, were joint employers of PLAINTIFF, and/or alter egos to PG&E and/or PACIFIC. The
2 true names and capacities of the Defendants named herein as DOES 1 through 50, inclusive,
3 whether individual, corporate, associate, or otherwise, are unknown to PLAINTIFF, who
4 therefore sues such Defendants by fictitious names pursuant to Code of Civil Procedure § 474.
5 PLAINTIFF is informed and believes that DOE Defendants 1 through 50 are California residents
6 and/or parents, subsidiaries, and/or sister corporations to DEFENDANT EMPLOYERS, and/or
7 individuals responsible for the acts complained of herein. PLAINTIFF will amend this Complaint
8 to show such true names and capacities when they have been determined. PLAINTIFF alleges all
9 known and unknown Defendants, and all named Defendants, including corporate and individual
10 Defendants and their parents, subsidiaries, their successors in interest, partners, and their
11 employees and/or agents, acted on behalf of, and for the benefit of, at the direction of, and under
12 the control of, and in conspiracy with each and every Defendant known or unknown, and their
13 agents and/or employees, and each of them, to do the acts complained of herein.

14 6. The true names, identities, or capacities, whether individual, corporate, associate,
15 or otherwise, of Defendants, DOES 1 through 50, inclusive, are unknown to PLAINTIFF, who
16 therefore sues said Defendants by such fictitious names. When the true names, identities or
17 capacities of such fictitiously designated Defendants are ascertained, PLAINTIFF will ask leave
18 of this Court to amend this Complaint and to insert said true names, identities, and capacities,
19 together with the proper charging allegations.

20 7. PLAINTIFF is informed and believes, and thereon alleges, that each of the
21 Defendants sued herein as DOES 1 through 50 are responsible in some manner and liable herein
22 for negligent, wanton, reckless, tortious conduct, and strict liability; and by such wrongful
23 conduct, proximately caused the PLAINTIFF's injuries and damages.

24 8. Defendants DOES 1 through 50, inclusive, were corporations, partnerships, joint
25 ventures, or other business entities, organized and existing under the laws of the State of
26 California and at all times herein mentioned conducted business in the State of California, and
27 throughout the County of Yolo, including its location at Davis, California, where PLAINTIFF
28 was employed and the unlawful employment acts occurred.

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1 more difficult for PLAINTIFF to perform his work duties, and required accommodations in the
2 form or leave and modifications to PLAINTIFF's work space. Immediately upon Plaintiff
3 reporting his injury STROUP and LAL started dumping additional projects and known problem
4 projects on PLAINTIFF, for instance project with extensive work to be done but little budget
5 remaining, in order to harass and negatively impact his performance and/or drive PLAINTIFF to
6 permanently leave PG&E, or retire early. Additionally, he was subjected to hyper-criticism by
7 these supervisors and publically chastised and criticized regarding his performance and
8 completion of projects that became very difficult because of his need for leave accommodations,
9 FMLA/CFRA leave to assist and care for his dying father and distressed mother, and because of
10 the difficult projects dumped on him that had very little budget remaining to complete the
11 projects. As a result of PLAINTIFF reporting a disability and seeking accommodations these
12 supervisors treated PLAINTIFF as an outsider and not a member of the team, and it became very
13 difficult to get them to assign the necessary resources for PLAINTIFF to complete his projects.

14 16. A job function analysis was done on PLAINTIFF's position, and as a result, he
15 was provided with an adjustable sit/stand workstation with a mat to stand on. STROUP let
16 PLAINTIFF know he was upset with the cost of the job function analysis and the
17 accommodations, since they would be charged against the office budget and against the
18 department's safety record/stats which impacted the potential bonuses that were awarded
19 annually based on a formula. As a result of this impact on bonuses and budget, management
20 discouraged employees and PLAINTIFF from reporting injuries or accommodation needs.

21 17. In April 2016, PLAINTIFF took two weeks of FMLA/CFRA qualifying time off
22 to care for and assist his father in his final illness just before he passed away, and to care for and
23 help his mother in this stressful and depressing time. PLAINTIFF took three days for his father's
24 funeral and the remaining days were FMLA/vacation. PLAINTIFF discussed this arrangement
25 with STROUP because he left with little notice during his father's final days. STROUP still
26 hounded PLAINTIFF and pressed him to complete project reporting while PLAINTIFF was on
27 FMLA leave for these very disturbing events.

28 18. As a result of PLAINTIFF'S lower back strain and bulging disk PLAINTIFF had

1 to take intermittent leave to treat his injury and required restricted duty (half days) from August
2 2016 through October 2017. In many ways STROUP made PLAINTIFF aware that he was
3 annoyed and bothered by PLAINTIFF's need for this leave accommodation of this chronic
4 disability to either be examined by doctors, treated, or to rest to heal the injury. STROUP let
5 PLAINTIFF know that his frustration and annoyance with accommodating PLAINTIFF's injury
6 with leave since this was delaying the completion of various projects. STROUP and LAL were
7 upset and annoyed that they were forced to accommodate PLAINTIFF'S disability, and in an
8 obvious and retaliatory move to drive PLAINTIFF from his job, or force his quitting, or cause a
9 pretextual justification for his termination they assigned additional projects to LITTLE that were
10 very difficult for LITTLE to complete because of his restrictions and accommodations, and
11 because of the lack of budget remaining on these very difficult, problem projects. They would
12 unjustifiably and publically criticize PLAINTIFF'S performance on conference calls causing
13 PLAINTIFF unnecessary and unjustified humiliation and stress.

14 19. PLAINTIFF went on light duty August 2016 as a result of a need to
15 accommodate his disability (back injury). STROUP made PLAINTIFF aware that he was upset
16 over Plaintiff's need for this accommodation (light duty) and the inconvenience to STROUP and
17 PG&E resulting from the accommodation. STROUP would speak in a very angry tone, and he
18 was dismissive of PLAINTIFF and pressured him to complete projects that had to be delayed as a
19 result of PLAINTIFF working light duty.

20 20. In 2017, LAL and STROUP harassed PLAINTIFF for the completion of projects
21 that they knew were not possible due to PLAINTIFF's need to take leave to accommodate and
22 heal his lower back disability, and because they had assigned problem projects to him. They put
23 PLAINTIFF on a Performance Improvement Plan ("PIP") to punish him for his FMLA/CFRA-
24 qualifying and disability leave accommodation, and to build a pretextual record to justify
25 terminating PLAINTIFF. The PIP included false statement and accusations poor performance and
26 mismanagement; additionally, STROUP would not conduct the PIPs and meetings as required
27 per company policy and plan. He would just tell PLAINTIFF what he wanted and when he
28 wanted it, without any discussion, give and take, or agreement by PLAINTIFF. PLAINTIFF

1 called HR and reported how the PIPs were being conducted. HR said that was strange and in
2 violation of the policy. HR said there is supposed to be a discussion and agreement by the parties
3 as to what the issues were and how they would be addressed. As these improper PIPs continued
4 PLAINTIFF asked STROUP "where is this coming from?" STROUP stated "HR." PLAINTIFF
5 contacted HR and asked —HR said this was coming from STROUP not HR, and they would not
6 even know about PLAINTIFF if STROUP was not bringing the issues to them.

7 21. In these bi-weekly performance meetings STROUP would get angry and with an
8 red face, and a raised voice, explode at PLAINTIFF. STROUP would stand up at a conference
9 room table directly across from PLAINTIFF and lean forward towards PLAINTIFF in a
10 threatening manner and in an angry and aggressive fashion pound on the table. STROUP would
11 angrily challenge PLAINTIFF as to what PLAINTIFF had accomplished and what needed to be
12 done. STROUP repeatedly angrily yelled at and threatened PLAINTIFF in a loud and threatening
13 voice that he could be fired at any moment and PG&E did not need to wait for the completion of
14 the PIP. STROUP's bullying nature was par for the course for each of LAL's hires for area
15 supervisor. LAL hired those who would acted in the same manner he did, which was regarded by
16 PLAINTIFF and many as bullying behavior. On one occasion, HR was on the phone during one
17 of these outbursts by STROUP. As a result of STROUP's threatening actions, and for his
18 physical safety, to protect himself, and his piece of mind PLAINTIFF started attending these
19 meetings by phone, or if a third party present.

20 22. LITTLE began experiencing anxiety before during and after STROUP's angry
21 yelling sessions, that even occurred when Regina McNeal, HR was present on the phone. On one
22 such occasion, LITTLE stopped STROUP in the middle of a typical raised voice and angry
23 argumentative tirade to identify/highlight the behavior for McNeal who was on the phone.
24 Unfortunately, when LITTLE later asked McNeal about such conduct she circled the wagons and
25 stated "that behavior was not out of line and okay for a supervisor to get a point across."

26 23. In these threatening performance meetings STROUP angrily made age-based
27 critical comments and insults. This included angry comments to PLAINTIFF such as "How old
28 are you?" "When are you going to retire, maybe something to consider?" "Don't you have

1 enough time to retire?" "Don't you have enough time to get out now?" "Don't make any major
2 purchases, you can be fired any day." PLAINTIFF would not respond to these threatening
3 comments because he did not want to further anger STROUP. PLAINTIFF reported this to HR in
4 January 2018, which LITTLE believes angered STROUP even more, since he continued to
5 retaliate. Additionally, it appeared PG&E and PACIFIC had a policy of getting rid of long term
6 employees since LITTLE saw other long term employees being forced out.

7 24. During this period LAL and STROUP complained about PLAINTIFF's
8 performance, but did everything they could to bring down PLAINTIFF's performance by loading
9 additional difficult projects on him. However, when these projects were passed off to
10 PLAINTIFF, STROUP and LAL failed to provide the standard documents necessary for a proper
11 transition of the project. This intentional failure to properly transfer the projects caused delays,
12 stress, and additional work for PLAINTIFF to get these projects up to speed. On a lot of these
13 projects the budgets were already near depletion, making it impossible for PLAINTIFF to
14 complete the significant remaining scope of the projects within budget. He was then strongly and
15 unjustifiably and publically criticized and humiliated by LAL for these no-win projects. In 2017,
16 STROUP told PLAINTIFF he could not take his vacation because he needed to finish his
17 projects. STROUP continued with his angry attacks upon PLAINTIFF and became hypercritical
18 of PLAINTIFF's performance. This was communicated to the PLAINTIFF by LAL, STROUP
19 and a second supervisor, Ray Gish, who specifically indicated he would obtain a formal handoff
20 from his Project Manager who was leaving at the end of his two year term as a contract agency
21 hire. This hostile environment greatly increased the difficulties in completing the projects.
22 STROUP would then yell and threaten PLAINTIFF regarding these no win projects, and
23 wrongfully disciplined and threaten him with termination knowing that PLAINTIFF's
24 accommodations made it impossible for him to keep up with his prior production pace, especially
25 since these additional no-win projects dumped on him.

26 25. In project status conference calls throughout the years both LAL and STROUP
27 would repeatedly make derisive and disparaging comments about African-American Project
28 Managers. They would make such racially stereotypical comments as "They [African-Americans]

1 don't make good Project Managers." If a "sensitive project" or a VP's special project was being
2 discussed for assignment, they (LAL and STROUP) would justify not giving such a project to an
3 African-American Project Manager by saying, "they [African-American project managers] don't
4 communicate well upstream [upper management]" or "they are very confrontational." When
5 PLAINTIFF stopped a project for safety reasons, a construction supervisor became very hostile
6 to PLAINTIFF and then told others "that N-word can't stop my project."

7 26. PLAINTIFF believed at one point all African-American Project Manager
8 (LITTLE included) were on PIPs. Double standards applied, African-American Project
9 Managers were subjected to strict scrutiny and criticism of their performance and as a result they
10 were all on PIPs. PLAINTIFF was on PIPs off and on January 2017 through his termination in
11 March 2018, which adversely impacted his performance bonuses. While PLAINTIFF was on
12 PIPs, STROUP would constantly and unnecessarily threaten PLAINTIFF by saying that he could
13 be terminated at any time.

14 27. In January 2018, STROUP's harassment of PLAINTIFF became so bad that
15 PLAINTIFF made a complaint to PG&E's Ethics and Compliance Department, to report and
16 complain about STROUP's age and race based discrimination and harassment. On February 9,
17 2018, PLAINTIFF filed a stress claim as a result of these attacks by STROUP.

18 28. These reports were supposed to be confidential; however, STROUP somehow
19 found out about PLAINTIFF's complaints and reports and retaliated even more against
20 PLAINTIFF. As a result, STROUP became more angry and further retaliated against PLAINTIFF
21 by becoming even more hypercritical of PLAINTIFF's performance, and assigned projects to
22 PLAINTIFF with no budget. STROUP set up roadblock to make many of the projects even more
23 difficult to complete, but with determination and resourcefulness, PLAINTIFF completed many
24 of these projects despite intentional interference by STROUP and LAL.

25 29. In December 2017 or January 2018, in an attempt to get away from this
26 harassment, hostile environment, and discrimination, PLAINTIFF asked STROUP, "What are
27 my options? It looks like you guys do not want me here. I'm going to look for another job in the
28 company." STROUP said PLAINTIFF could not look for another position in company when he

1 was on a PIP. PLAINTIFF called and wrote to HR about this. HR said STROUP was wrong—
2 and he could not prevent LITTLE from seeking another job within the company—so PLAINTIFF
3 applied for and interviewed for other jobs at PG&E; however, he was terminated on March 5,
4 2018 because of his race, age and disability and in retaliation for his complaints before he was
5 able to transfer to another PG&E job to avoid this discriminatory and hostile environment.

6 30. On March 5, 2018 in retaliation for his complaints and because of his disability,
7 race, retaliation and age, PLAINTIFF was wrongfully terminated before he could transfer to
8 another job at PG&E to escape the hostile environment caused by STROUP and LAL.

9 31. Plaintiff has foreclosed any necessary administrative filing requirements,
10 filed the necessary charges with the Department of Fair Employment and Housing, and has
11 obtained the necessary right to sue authorizations.

12
13 **FIRST CAUSE OF ACTION**
14 **FOR AGE DISCRIMINATION**
15 **[Government Code § 12940(a)]**
16 **Against Defendant Employers and Does 1 Through 50**

17 32. As a FIRST, separate, and distinct cause of action, Plaintiff complains against
18 DEFENDANT EMPLOYERS and DOES 1 through 50, inclusive, and restates, incorporates by
19 reference and realleges all the allegations contained in paragraphs 1-31 of this complaint, and
20 incorporates them by reference into this cause of action as though fully set forth herein.

21 33. DEFENDANT EMPLOYERS and DOES 1 through 20, inclusive, are entities
22 and/or employers governed by Government Code § 12940, et seq.

23 34. At all relevant times, PLAINTIFF was over the age of 40 years old and in the
24 group protected against age discrimination under Government Code § 12900 et sec.

25 35. DEFENDANT EMPLOYERS and DOES 1 through 50, inclusive, and each of
26 them, knew PLAINTIFF was over 40 years old and that PLAINTIFF fell within the definition of
27 a protected age class under Government Code § 12900 et sec.

28 36. As described above PLAINTIFF, was subjected to adverse employment actions
including but not limited to unjustified discipline, suspension, the denial of transfer and

1 termination of his employment based upon his age (over 40 years old) and thereby discriminated
2 against because of his age prohibited by the laws of the State of California.

3 37. In engaging in the foregoing conduct, DEFENDANT EMPLOYERS, and DOES 1
4 through 50 aided, abetted, incited, participated in, failed to prevent or investigate, and coerced
5 and/or compelled unlawful employment practices in violation of California's Fair Employment
6 and Housing Act.

7 38. As a direct and proximate result of the aforementioned acts and omissions of
8 DEFENDANT EMPLOYERS, PLAINTIFF suffered general and compensatory damages,
9 including but not limited to severe emotional distress, fear, worry, humiliation and loss of
10 income (past and future), loss of employment benefits (past and future), and he will continue to
11 so suffer these damages and losses in the future, all in an amount to be proved at trial.

12 39. The foregoing conduct of DEFENDANT EMPLOYERS and DOES 1 through 50,
13 was engaged in, authorized and ratified by each DEFENDANT and by their managing agents,
14 officers, and directors with a conscious and willful disregard of PLAINTIFF's rights and safety.
15 This complained of conduct was despicable and constituted malice, fraud, and oppression within
16 the meaning of Civil Code section 3294, so as to justify the imposition of punitive damages to
17 punish and set an example of said Defendants, and each of them.

18 40. As a proximate result of the foregoing conduct, which violated the provisions of
19 Government Code section 12900, et seq., PLAINTIFF has been forced to and will incur
20 attorney's fees and costs in the prosecution of this claim, in an amount to be proved at trial.

21 41. WHEREFORE, PLAINTIFF requests relief as hereinafter provided.

22
23 **SECOND CAUSE OF ACTION**
24 **FOR AGE HARASSMENT**
[Government Codes §§ 12940(j) & (k)]
Against All Defendants

25 42. As a SECOND, separate, and distinct cause of action, PLAINTIFF complains
26 against DEFENDANT EMPLOYERS , DOES 1 through 50, and STROUP and LAL and each of
27 them, and realleges and restates, all the allegations contained in paragraphs 1-31 of this
28 complaint, and incorporates them by reference into this cause of action as though fully set forth

1 herein.

2 43. The above described actions by DEFENDANT EMPLOYERS, DOES 1 through
3 20, LAL and STROUP, and each of them and their agents/employees, constitute unlawful age
4 harassment in violation of the California Fair Employment and Housing Act, codified in
5 Government Code §§ 12940(j) & (k).

6 44. This conduct was so severe and pervasive as to alter the conditions of the working
7 environment and create a hostile and abusive environment based upon PLAINTIFF'S age (over
8 40 years of age). Furthermore, such conduct was unwanted, unwelcome, and offensive to
9 PLAINTIFF, and would have been offensive to a reasonable person in PLAINTIFF's position.

10 45. DEFENDANT EMPLOYERS, DOES 1 through 20, inclusive, LAL and
11 STROUP, knew or should have known that their age harassment of PLAINTIFF, yet failed to
12 take appropriate and timely corrective and preventative action in that regard.

13 46. In engaging in the aforementioned conduct, Defendants, and each of them, aided,
14 abetted, incited, compelled, and/or coerced unlawful employment practices in violation of the

15 47. As a direct and proximate result of the aforementioned acts of age harassment and
16 omissions of DEFENDANT EMPLOYERS, DOES 1 through 20, inclusive, LAL and STROUP,
17 and each of them, PLAINTIFF suffered general and compensatory damages, including but not
18 limited to severe emotional distress, fear, worry, humiliation, and loss of income (past and
19 future), loss of employment benefits (past and future), and he will continue to so suffer these
20 damages and losses in the future, all in an amount to be proved at trial.

21 48. The foregoing conduct of LAL and STROUP, DEFENDANT EMPLOYERS and
22 DOES 1 through 50, was engaged in, authorized and ratified by each DEFENDANT and by their
23 managing agents, officers, and directors with a conscious and willful disregard of PLAINTIFF's
24 rights and safety. This complained of conduct was despicable and constituted malice, fraud, and
25 oppression within the meaning of Civil Code section 3294, so as to justify the imposition of
26 punitive damages to punish and set an example of said Defendants, and each of them.

27 49. As a direct and proximate result of the foregoing conduct, which violated the
28 provisions of Government Code § 12940, et seq., PLAINTIFF has been forced to and will incur

1 attorney's fees and costs in the prosecution of this claim, in an amount to be proven at trial.

2
3 **THIRD CAUSE OF ACTION**
4 **FOR RACE DISCRIMINATION**
5 **[Government Code § 12940(a)]**
6 **Against Defendant Employers and Does 1 Through 50**

7 50. As a THIRD, separate, and distinct cause of action, PLAINTIFF complains
8 against DEFENDANT EMPLOYERS and DOES 1 through 50, inclusive, and restates,
9 incorporates by reference and realleges all the allegations contained in paragraphs 1-31 of this
10 complaint, and incorporates them by reference into this cause of action as though fully set forth
11 herein.

12 51. DEFENDANT EMPLOYERS and DOES 1 through 20, inclusive, are entities
13 and/or employers governed by Government Code § 12940, et seq.

14 52. At all relevant times, PLAINTIFF was an African-American employee.

15 53. DEFENDANT EMPLOYERS and DOES 1 through 50, inclusive, and each of
16 them, knew PLAINTIFF was African-American, and that PLAINTIFF fell within the definition
17 of a protected class under Government Code § 12900 et sec.

18 54. As described above PLAINTIFF, was subjected to adverse employment actions
19 including but not limited to unjustified discipline, suspension, the denial of transfer and
20 termination of his employment based upon his race (African-American) and thereby
21 discriminated against because of his race as prohibited by the laws of the State of California.

22 55. In engaging in the foregoing conduct, DEFENDANT EMPLOYERS, and DOES 1
23 through 50 aided, abetted, incited, participated in, failed to prevent or investigate, and coerced
24 and/or compelled unlawful employment practices in violation of California's Fair Employment
25 and Housing Act.

26 56. As a direct and proximate result of the aforementioned acts and omissions of
27 DEFENDANT EMPLOYERS, PLAINTIFF suffered general and compensatory damages,
28 including but not limited to severe emotional distress, fear, worry, humiliation and loss of
income (past and future), loss of employment benefits (past and future), and he will continue to
so suffer these damages and losses in the future, all in an amount to be proved at trial.

1 57. The foregoing conduct of DEFENDANT EMPLOYERS and DOES 1 through 50,
2 was engaged in, authorized and ratified by each DEFENDANT and by their managing agents,
3 officers, and directors with a conscious and willful disregard of PLAINTIFF's rights and safety.
4 This complained of conduct was despicable and constituted malice, fraud, and oppression within
5 the meaning of Civil Code section 3294, so as to justify the imposition of punitive damages to
6 punish and set an example of said Defendants, and each of them.

7 58. As a proximate result of the foregoing conduct, which violated the provisions of
8 Government Code section 12900, et seq., PLAINTIFF has been forced to and will incur
9 attorney's fees and costs in the prosecution of this claim, in an amount to be proved at trial.

10 59. WHEREFORE, PLAINTIFF requests relief as hereinafter provided.

11 **FOURTH CAUSE OF ACTION**
12 **FOR RACE HARASSMENT**
13 **[Government Codes §§ 12940(j) & (k)]**
14 **Against All Defendants**

15 60. As a FORTH, separate, and distinct cause of action, PLAINTIFF complains
16 against DEFENDANT EMPLOYERS , DOES 1 through 50, and STROUP and LAL, and each of
17 them, and realleges and restates, all the allegations contained in paragraphs 1-31 of this
18 complaint, and incorporates them by reference into this cause of action as though fully set forth
19 herein.

20 61. The above described actions by DEFENDANT EMPLOYERS, DOES 1 through
21 20, LAL and STROUP, and each of them, and their agents/employees, constitute unlawful racial
22 harassment in violation of the California Fair Employment and Housing Act, codified in
23 Government Code §§ 12940(j) & (k).

24 62. This conduct was so severe and pervasive as to alter the conditions of the working
25 environment and create a hostile and abusive environment based upon PLAINTIFF'S race,
26 African-American. Furthermore, such conduct was unwanted, unwelcome, and offensive to
27 PLAINTIFF, and would have been offensive to a reasonable person in PLAINTIFF's position.

28 63. DEFENDANT EMPLOYERS, DOES 1 through 20, inclusive, LAL and
STROUP, and each of them, knew or should have known their race harassment of PLAINTIFF,

1 and yet failed to take appropriate and timely corrective and preventative action in that regard.

2 64. In engaging in the aforementioned conduct, Defendants, and each of them, aided,
3 abetted, incited, compelled, and/or coerced unlawful employment practices in violation of the
4 announced policy of this State against such practices.

5 65. As a direct and proximate result of the aforementioned acts of age harassment and
6 omissions of DEFENDANT EMPLOYERS, DOES 1 through 20, inclusive, LAL and STROUP,
7 and each of them, PLAINTIFF suffered general and compensatory damages, including but not
8 limited to severe emotional distress, fear, worry, humiliation, and loss of income (past and
9 future), loss of employment benefits (past and future), and he will continue to so suffer these
10 damages and losses in the future, all in an amount to be proved at trial.

11 66. The foregoing conduct of LAL and STROUP, DEFENDANT EMPLOYERS and
12 DOES 1 through 50, was engaged in, authorized and ratified by each DEFENDANT and by their
13 managing agents, officers, and directors with a conscious and willful disregard of PLAINTIFF's
14 rights and safety. This complained of conduct was despicable and constituted malice, fraud, and
15 oppression within the meaning of Civil Code section 3294, so as to justify the imposition of
16 punitive damages to punish and set an example of said Defendants, and each of them.

17 67. As a direct and proximate result of the foregoing conduct, which violated the
18 provisions of Government Code § 12940, et seq., PLAINTIFF has been forced to and will incur
19 attorney's fees and costs in the prosecution of this claim, in an amount to be proven at trial.

20 **FIFTH CAUSE OF ACTION**
21 **FOR DISABILITY DISCRIMINATION**
22 **[Government Code § 12940(a)]**
Against Defendant Employers and Does 1 Through 50

23 68. As a FIFTH, separate, and distinct cause of action, PLAINTIFF complains
24 against DEFENDANT EMPLOYERS and DOES 1 through 50, inclusive, and restates,
25 incorporates by reference and realleges all the allegations contained in paragraphs 1-31 of this
26 complaint, and incorporates them by reference into this cause of action as though fully set forth
27 herein.

28 69. DEFENDANT EMPLOYERS and DOES 1 through 20, inclusive, are entities

1 and/or employers governed by Government Code § 12940, et seq.

2 70. At all relevant times, PLAINTIFF was a disabled employee who suffered from a
3 chronic low back strain and bulging disc, who needed accommodations, including leave and a
4 modified work station.

5 71. DEFENDANT EMPLOYERS and DOES 1 through 50, inclusive, and each of
6 them, knew PLAINTIFF was disabled, and that PLAINTIFF fell within the definition of a
7 protected class under Government Code § 12900 et sec.

8 72. As described above PLAINTIFF, was subjected to adverse employment actions
9 including but not limited to unjustified discipline, suspension, the denial of transfer and
10 termination of his employment based upon his disability (back injury) and thereby was
11 discriminated against because of his disability as prohibited by the laws of the State of California.

12 73. In engaging in the foregoing conduct, DEFENDANT EMPLOYERS, and DOES 1
13 through 50 aided, abetted, incited, participated in, failed to prevent or investigate, and coerced
14 and/or compelled unlawful employment practices in violation of California's Fair Employment
15 and Housing Act.

16 74. PLAINTIFF, as a direct and proximate result of the aforementioned acts and
17 omissions of DEFENDANT EMPLOYERS, suffered general and compensatory damages,
18 including but not limited to severe emotional distress, fear, worry, humiliation and loss of
19 income (past and future), loss of employment benefits (past and future), and he will continue to
20 so suffer these damages and losses in the future, all in an amount to be proved at trial.

21 75. The foregoing conduct of DEFENDANT EMPLOYERS and DOES 1 through 50,
22 was engaged in, authorized and ratified by each DEFENDANT and by their managing agents,
23 officers, and directors with a conscious and willful disregard of PLAINTIFF's rights and safety.
24 This complained of conduct was despicable and constituted malice, fraud, and oppression within
25 the meaning of Civil Code section 3294, so as to justify the imposition of punitive damages to
26 punish and set an example of said Defendants, and each of them.

27 76. As a proximate result of the foregoing conduct, which violated the provisions of
28 Government Code section 12900, et seq., PLAINTIFF has been forced to and will incur

1 attorney's fees and costs in the prosecution of this claim, in an amount to be proved at trial.

2 77. WHEREFORE, PLAINTIFF requests relief as hereinafter provided.

3 **SIXTH CAUSE OF ACTION**
4 **FOR DISABILITY HARASSMENT**
5 **[Government Codes §§ 12940(j) & (k)]**
6 **Against All Defendants**

7 78. As a SIXTH, separate, and distinct cause of action, PLAINTIFF complains against
8 DEFENDANT EMPLOYERS, DOES 1 through 50, and STROUP and LAL, and each of them,
9 and realleges and restates, all the allegations contained in paragraphs 1-31 of this complaint, and
10 incorporates them by reference into this cause of action as though fully set forth herein.

11 79. At all relevant times, PLAINTIFF was a disabled employee who suffered from a
12 chronic low back strain and bulging disc, who needed accommodations, including leave and a
13 modified work station.

14 80. The above described actions by DEFENDANT EMPLOYERS, DOES 1 through
15 20, LAL and STROUP, and each of them, and their agents/employees, constitute unlawful
16 disability harassment in violation of the California Fair Employment and Housing Act, codified
17 in Government Code §§ 12940(j) & (k).

18 81. This conduct was so severe and pervasive as to alter the conditions of the working
19 environment and create a hostile and abusive environment based upon PLAINTIFF'S disability.
20 Furthermore, such conduct was unwanted, unwelcome, and offensive to PLAINTIFF, and would
21 have been offensive to a reasonable person in PLAINTIFF's position.

22 82. DEFENDANT EMPLOYERS, DOES 1 through 20, inclusive, LAL and
23 STROUP, and each of them, knew or should have known their disability harassment of
24 PLAINTIFF, and yet failed to take appropriate and timely corrective and preventative action in
25 that regard.

26 83. In engaging in the aforementioned conduct, Defendants, and each of them, aided,
27 abetted, incited, compelled, and/or coerced unlawful employment practices in violation of the
28 announced policy of this State against such practices.

84. As a direct and proximate result of the aforementioned acts of age harassment and

1 omissions of DEFENDANT EMPLOYERS, DOES 1 through 20, inclusive, LAL and STROUP,
2 and each of them, PLAINTIFF suffered general and compensatory damages, including but not
3 limited to severe emotional distress, fear, worry, humiliation, and loss of income (past and
4 future), loss of employment benefits (past and future), and he will continue to so suffer these
5 damages and losses in the future, all in an amount to be proved at trial.

6 85. The foregoing conduct of LAL and STROUP, DEFENDANT EMPLOYERS and
7 DOES 1 through 50, was engaged in, authorized and ratified by each DEFENDANT and by their
8 managing agents, officers, and directors with a conscious and willful disregard of PLAINTIFF's
9 rights and safety. This complained of conduct was despicable and constituted malice, fraud, and
10 oppression within the meaning of Civil Code section 3294, so as to justify the imposition of
11 punitive damages to punish and set an example of said Defendants, and each of them.

12 86. As a direct and proximate result of the foregoing conduct, which violated the
13 provisions of Government Code § 12940, et seq., PLAINTIFF has been forced to and will incur
14 attorney's fees and costs in the prosecution of this claim, in an amount to be proven at trial.

15 87. WHEREFORE, PLAINTIFF requests relief as hereinafter provided.

16
17 **SEVENTH CAUSE OF ACTION**
18 **FOR UNLAWFUL RETALIATION**
19 **[Government Code § 12940(h)]**
20 **Against Defendant Employers and Does 1 Through 20**

21 88. As a SEVENTH, separate, and distinct cause of action, PLAINTIFF complains
22 against DEFENDANT EMPLOYERS and DOES 1 through 50, inclusive, and restates,
23 incorporates by reference and realleges all the allegations contained in paragraphs 1-87 of this
24 complaint, and incorporates them by reference into this cause of action as though fully set forth
herein.

25 89. DEFENDANT EMPLOYERS, and DOES 1 through 20 and/or their agents, are
26 entities subject to suit for unlawful retaliation under the California Fair Employment and
27 Housing Act, Government Code § 12940, et seq.

28 90. During his employment by said DEFENDANT EMPLOYERS, PLAINTIFF

1 opposed and objected to Defendants' unlawful employment practices, which included *inter alia*,
2 age, race, disability harassment and discrimination, and DEFENDANT EMPLOYERS, and
3 DOES 1 through 20 refusal to correct the age, race, disability harassment and discrimination.

4 91. After PLAINTIFF voiced his complaints and objections and sought the
5 protections of and/or to exercise his rights under the California Fair Employment and Housing
6 Act, he was subjected to retaliatory adverse employment actions carried out in an unnecessary
7 hostile manner including unjustified discipline, suspension, the denial of transfer and termination
8 of his employment as described above, and a pattern of retaliation by racial and age based slurs,
9 comments and insults, hyper-criticism, making his performance more difficult by setting up
10 roadblocks and assigning projects with hardly any budget remaining, and threats of termination
11 for reporting and complaining about age, race and disability harassment, and discrimination.

12 92. The foregoing described retaliatory acts were taken because of PLAINTIFF's
13 objections and opposition to Defendants' unlawful employment practices as described above.

14 93. In engaging in the aforementioned conduct, DEFENDANT EMPLOYERS, and
15 each of them, aided, abetted, incited, compelled, and/or coerced unlawful employment practices
16 in violation of the announced policy of this State against such practices.

17 94. PLAINTIFF, as a direct and proximate result of the aforementioned acts and
18 omissions of DEFENDANT EMPLOYERS, suffered general and compensatory damages,
19 including but not limited to severe emotional distress, fear, worry, humiliation and loss of
20 income (past and future), loss of employment benefits (past and future), and he will continue to
21 so suffer these damages and losses in the future, all in an amount to be proved at trial.

22 95. The foregoing conduct of DEFENDANT EMPLOYERS and DOES 1 through 50,
23 was engaged in, authorized and ratified by each DEFENDANT and by their managing agents,
24 officers, and directors with a conscious and willful disregard of PLAINTIFF's rights and safety.
25 This complained of conduct was despicable and constituted malice, fraud, and oppression within
26 the meaning of Civil Code section 3294, so as to justify the imposition of punitive damages to
27 punish and set an example of said Defendants, and each of them.

28 96. As a proximate result of the foregoing conduct, which violated the provisions of

1 Government Code section 12900, et seq., PLAINTIFF has been forced to and will incur
2 attorney's fees and costs in the prosecution of this claim, in an amount to be proved at trial.

3 97. WHEREFORE, PLAINTIFF requests relief as hereinafter provided.

4
5 **EIGHTH CAUSE OF ACTION**
6 **FOR FAILURE TO PREVENT,**
7 **INVESTIGATE, AND/OR REMEDY UNLAWFUL HARASSMENT,**
8 **DISCRIMINATION, AND RETALIATION**
9 **[Government Codes §§ 12940(j) & (k)]**
10 **Against Defendant Employers and Does 1 Through 20**

11 98. As an EIGHTH, separate, and distinct cause of action, PLAINTIFF complains
12 against DEFENDANT EMPLOYERS and DOES 1 through 50, inclusive, and restates,
13 incorporates by reference and realleges all the allegations contained in paragraphs 1-97 of this
14 complaint, and incorporates them by reference into this cause of action as though fully set forth
15 herein.

16 99. DEFENDANT EMPLOYERS and DOES 1 through 20, and/or their
17 agents/employees, knew or should have known of the above-described unlawful age, race,
18 disability, discrimination, harassment and retaliation perpetrated against PLAINTIFF. Despite
19 said knowledge, DEFENDANT EMPLOYERS and DOES 1 through 20 failed to conduct an
20 adequate investigation into the nature and substance of PLAINTIFF's complaints, or the nature
21 and substance of the ongoing age, race, disability discrimination, harassment and retaliation to
22 which PLAINTIFF was subjected and failed to remedy or prevent it. Furthermore DEFENDANT
23 EMPLOYERS and DOES 1 through 20 failed to take immediate and appropriate corrective
24 action so as to discipline any of the offenders, and thereby remedy the harassment,
25 discrimination, and retaliation, and prevent further such acts. Said DEFENDANT EMPLOYERS
26 and DOES 1 through 20 also failed to take all reasonable steps to prevent such discrimination,
27 harassment and retaliation from occurring.

28 100. The response of DEFENDANT EMPLOYERS, DOES 1 through 20, and/or their
agents/employees to the knowledge these illegal events were occurring was so inadequate as to
establish and demonstrate a deliberate indifference to, or tacit or actual authorization of the
complained of age, race, disability discrimination, harassment and retaliation.

1 101. By failing to take all reasonable steps to prevent, investigate, and/or remedy the
2 unlawful discrimination, harassment, and/or retaliation directed at PLAINTIFF, DEFENDANT
3 EMPLOYERS and DOES 1 through 20 committed unlawful employment practices as described
4 and prohibited in California Government Code § 12940, et. seq.

5 102. In engaging in the aforementioned conduct, DEFENDANT EMPLOYERS and
6 DOES 1 through 20, and each of them, aided, abetted, incited, compelled, and/or coerced
7 unlawful employment practices in violation of the announced policy of this State against such
8 practices.

9 103. PLAINTIFF, as a direct and proximate result of the aforementioned acts and
10 omissions of DEFENDANT EMPLOYERS, suffered general and compensatory damages,
11 including but not limited to severe emotional distress, fear, worry, humiliation and loss of
12 income (past and future), loss of employment benefits (past and future), and he will continue to
13 so suffer these damages and losses in the future, all in an amount to be proved at trial.

14 104. The foregoing conduct of DEFENDANT EMPLOYERS and DOES 1 through 50,
15 was engaged in, authorized and ratified by each DEFENDANT and by their managing agents,
16 officers, and directors with a conscious and willful disregard of PLAINTIFF's rights and safety.
17 This complained of conduct was despicable and constituted malice, fraud, and oppression within
18 the meaning of Civil Code section 3294, so as to justify the imposition of punitive damages to
19 punish and set an example of said Defendants, and each of them.

20 105. As a proximate result of the foregoing conduct, which violated the provisions of
21 Government Code section 12900, et seq., PLAINTIFF has been forced to and will incur
22 attorney's fees and costs in the prosecution of this claim, in an amount to be proved at trial.

23 106. WHEREFORE, PLAINTIFF requests relief as hereinafter provided.

24
25 **NINTH CAUSE OF ACTION**
26 **FOR WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**
27 **AGAINST DEFENDANT EMPLOYERS AND DOES 1 THROUGH 50**

28 107. As an NINTH, separate, and distinct cause of action, PLAINTIFF complains
against DEFENDANT EMPLOYERS and DOES 1 through 50, inclusive, and restates,

1 incorporates by reference and realleges all the allegations contained in paragraphs 1-106 of this
2 complaint, and incorporates them by reference into this cause of action as though fully set forth
3 herein.

4 108. PLAINTIFF's employment was terminated in violation of fundamental public
5 policies of the State of California, including, without limitation, the right to protections against
6 discrimination, harassment, and retaliation because of age, race and disability, protesting and
7 reporting such discrimination and harassment and because he sought and obtained leave, justified
8 and allowed under CFRA and FMLA, and because he sought leave and worksite modification as
9 accommodations for his chronic physical disabilities (back strain and bulging disc) as described
10 herein. These fundamental public policies inure to the benefit of the public, and not just the
11 private interests of the employer and employee. As set forth above, said actions by
12 DEFENDANT EMPLOYERS, and Does 1-50, were wrongful and in violation of the
13 fundamental principles of the public policy of the State of California as reflected in its laws,
14 objectives and policies. Said laws, which establish these fundamental public policies include,
15 without limitation: Government Code section 12900, et seq., including but not limited to
16 Government Code sections 12940; 12945.2 and related sections, and they inure to the benefit of
17 the public, and not just the private interests of the employer and/or PLAINTIFF.

18 109. PLAINTIFF, as a direct and proximate result of the aforementioned acts and
19 omissions of DEFENDANT EMPLOYERS, and DOES 1-50, suffered general and
20 compensatory damages, including but not limited to severe emotional distress, fear, worry,
21 humiliation and loss of income (past and future), loss of employment benefits (past and future),
22 damage to employability, and he will continue to so suffer these damages and losses in the future,
23 all in an amount to be proved at trial.

24 110. The foregoing conduct of DEFENDANT EMPLOYERS and DOES 1 through 50,
25 was engaged in, authorized and ratified by each DEFENDANT and by their managing agents,
26 officers, and directors with a conscious and willful disregard of PLAINTIFF's rights and safety.
27 This complained of conduct was despicable and constituted malice, fraud, and oppression within
28 the meaning of Civil Code section 3294, so as to justify the imposition of punitive damages to

1 punish and set an example of said Defendants, and each of them.

2 111. As a proximate result of the foregoing conduct, which violated the provisions of
3 Government Code section 12900, et seq., PLAINTIFF has been forced to and will incur
4 attorney's fees and costs in the prosecution of this claim, in an amount to be proved at trial.

5 112. WHEREFORE, PLAINTIFF requests relief as hereinafter provided.
6

7 **TENTH CAUSE OF ACTION**
8 **DEFAMATION**
9 **Against All Defendants**

10 113. As an TENTH, separate, and distinct cause of action, PLAINTIFF complains
11 against LAL, STROUP, DEFENDANT EMPLOYERS and DOES 1 through 50, inclusive, and
12 restates, incorporates by reference and realleges all the allegations contained in paragraphs 1-112
13 of this complaint, and incorporates them by reference into this cause of action as though fully set
14 forth herein.

15 114. PLAINTIFF is informed and believes LAL, STROUP, DEFENDANT
16 EMPLOYERS, and each of them, and DOES 1 through 50, by and through their agents and
17 employees, including but not limited to defendant LAL, STROUP and each of them, by the
18 herein-described acts, conspired to, and in fact, did negligently, recklessly, and intentionally
19 cause excessive and unsolicited internal and external publications and republications of
20 defamation, of and concerning PLAINTIFF, to third persons, and to the community, including
21 but not limited to publications at DEFENDANT EMPLOYERS, PG&E, PACIFIC and, and each
22 of them.

23 115. These false and defamatory oral and written statements were published by LAL
24 and STROUP, and by other unknown agents and employees of DEFENDANT EMPLOYERS.
25 These false and defamatory oral and written statements expressly and impliedly stated that
26 PLAINTIFF, was incompetent, failed to complete his work on time, failed to perform his duties,
27 was a poor performer, and took unjustified and unnecessary leave.

28 116. While the precise dates of these oral defamatory publications are not known to
PLAINTIFF he believes the publications of this defamation has continued to this day and these

1 false and defamatory accusations were used to cause and justify PLAINTIFF's termination and
2 damage his employability.

3 117. Defendants thereby published and republished orally and in writing false and
4 defamatory statements which expressly and impliedly accused PLAINTIFF was incompetent,
5 failed to complete his work on time, failed to perform his duties, was a poor performer, and took
6 unjustified and unnecessary leave.

7 118. These publications were outrageous, negligent, reckless, intentionally and
8 maliciously published and foreseeably republished by Defendants, and each of them, by and
9 through their agents and employees and recipients of the defamation. PLAINTIFF is informed
10 and believes that the negligent, reckless, and intentionally false publications by Defendants, and
11 each of them, were and continue to be, foreseeably published and republished by Defendants,
12 their agents and employees, and recipients in the community. These foreseeable republications
13 included those that PLAINTIFF was forced and compelled to republish after his termination, in
14 an attempt to obtain an explanation of exactly what these allegations were based upon so that he
15 could refute these allegations and reverse the decision to discipline and terminate PLAINTIFF.
16 Additionally, PLAINTIFF has been forced and compelled, and will be forced and compelled to
17 foreseeably republish these defamatory statements to find re-employment, and to members of the
18 community who have known PLAINTIFF as an employee of DEFENDANT EMPLOYERS for
19 years and have questioned him as to why he was no longer working there. PLAINTIFF hereby
20 seeks damages for these publications and all publications and foreseeable republications
21 discovered up to the time of trial.

22 119. During the above-described time-frame, Defendants, their agents and employees,
23 and each of them, conspired to, and in fact, did negligently, recklessly, and intentionally cause
24 excessive and unsolicited publication of this defamation, of and concerning PLAINTIFF, to third
25 persons, who had no need or desire to know. Those third person(s) to whom these Defendants
26 published this defamation are believed to include, but are not limited to, other agents and
27 employees of Defendants, and each of them, and to the community, all of whom are known to
28 Defendants, and each of them, but unknown at this time to PLAINTIFF.

1 120. PLAINTIFF is informed, believes, and fears that these false and defamatory per se
2 statements will continue to be published by Defendants, their agents and employees, and each of
3 them, and will be foreseeably republished by their recipients, all to the ongoing harm and injury
4 to PLAINTIFF's business, professional, and personal reputations. PLAINTIFF also seeks redress
5 in this action for all foreseeable republications, including his own compelled self-publication of
6 these defamatory statements.

7 121. The defamatory meaning of all of the above-described false and defamatory
8 statements and their reference to PLAINTIFF, were understood by these above-referenced third
9 person recipients and other members of the community who are known to Defendants, and each
10 of them, but unknown to PLAINTIFF at this time and were used to cause and justify
11 PLAINTIFF's wrongful discipline and termination.

12 122. None of Defendants' defamatory publications or republications against
13 PLAINTIFF referenced above are true.

14 123. The above defamatory statements were, and were understood to be, assertions of
15 fact, and not opinion. PLAINTIFF is informed and believes this defamation will continue to be
16 negligently, recklessly, and intentionally published and foreseeably republished by Defendants,
17 and each of them, and foreseeably republished by recipients of Defendants' publications, thereby
18 causing additional injury and damages for which PLAINTIFF seeks redress by this action.

19 124. Each of these false defamatory per se publications (as set forth above) were
20 negligently, recklessly, and intentionally published in a manner equaling malice and abuse of any
21 alleged conditional privilege (which PLAINTIFF denies existed), since the publications, and each
22 of them, were made with hatred, ill will, and an intent to vex, annoy, and injure PLAINTIFF, and
23 for an improper purpose, that is, in order to cause and justify the illegal termination of
24 PLAINTIFF because of his disabilities, age, race and his need for and use of FMLA/CFRA leave
25 and accommodations.

26 125. The publications of the complained of defamation were malicious because any
27 alleged investigation was intentionally reckless, did not seek the truth, and in fact avoided the
28 truth. Each of these defamatory publications by Defendants, and each of them, were made with

1 knowledge that no investigation supported the unsubstantiated, and obviously false statements.

2 126. The Defendants, their agents and employees published and republished these
3 statements knowing them to be false, unsubstantiated by any non-reckless investigation, and to
4 be the product of hostile witnesses. These acts of publication were known by Defendants, and
5 each of them, to be negligent to such a degree as to be reckless. In fact, not only did Defendants,
6 and each of them, have no reasonable basis to believe these statements, and no belief in the truth
7 of these statements, they, in fact, knew the statements to be false. Defendants, and each of them,
8 excessively, negligently, and recklessly published these statements to individuals with no need to
9 know, and who made no inquiry, and who had a mere general or idle curiosity regarding this
10 information.

11 127. The above complained of publications by Defendants, and each of them, were
12 made with hatred and ill will towards PLAINTIFF and the design and intent to injure
13 PLAINTIFF, his good name, his reputation, employment and employability. Defendants, and
14 each of them, published these statements, with an illegal purpose of justifying his illegal and
15 discriminatory termination for the reasons described in this complaint, and not with an intent to
16 protect any interest intended to be protected by any privilege, but with negligence, recklessness
17 and/or an intent to injure PLAINTIFF, destroy his reputation and cause and justify his
18 termination. Furthermore, the above said defamatory publications were made as the result of
19 prior quarrels and disputes between PLAINTIFF and Defendants, and each of them, over his use
20 of, and requests for CFRA time off and disability leave, and for his reports and complaints of
21 mistreatment.

22 128. Therefore, no privilege existed to protect any of the Defendants from liability for
23 any of these aforementioned publications or republications of defamation.

24 129. As a proximate result of the publication and republication of these defamatory
25 statements by Defendants, their agents and employees, and each of them, PLAINTIFF has
26 suffered injury to his personal, business and professional reputation including suffering
27 embarrassment, humiliation, severe emotional distress, shunning, anguish, fear, loss of
28 employment, and employability, and significant economic loss in the form of lost wages and

1 future earnings caused by damage to employability, all to PLAINTIFF's economic, emotional,
2 and general damage in an amount according to proof.

3 130. Defendants, and each of them, committed the acts alleged herein recklessly,
4 maliciously, fraudulently, and oppressively, with the wrongful intention of injuring PLAINTIFF,
5 for an improper and evil motive amounting to malice (as described above), abused and/or
6 prevented the existence of any conditional privilege, which in fact did not exist, all with a
7 reckless and conscious disregard of PLAINTIFF's rights.

8 131. The foregoing conduct of LAL, STROUP, DEFENDANT EMPLOYERS and
9 DOES 1 through 50, was engaged in, authorized and ratified by each DEFENDANT and by their
10 managing agents, officers, and directors with a conscious and willful disregard of PLAINTIFF's
11 rights and safety. This complained of conduct was despicable and constituted malice, fraud, and
12 oppression within the meaning of Civil Code section 3294, so as to justify the imposition of
13 punitive damages to punish and set an example of said Defendants, and each of them.

14 132. As a proximate result of the foregoing conduct, which violated the provisions of
15 Government Code section 12900, et seq., PLAINTIFF has been forced to and will incur
16 attorney's fees and costs in the prosecution of this claim, in an amount to be proved at trial.

17 133. WHEREFORE, PLAINTIFF requests relief as hereinafter provided.

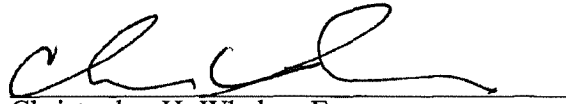
18 **PRAYER**

19 WHEREFORE, PLAINTIFF prays judgment against the Defendants, and each of them, as
20 follows:

- 21 1. For general, emotional distress and special damages according to proof;
- 22 2. For loss of earnings and earning capacity, according to proof;
- 23 3. For pre-judgment interest to the extent allowed by law;
- 24 4. For costs of suit incurred herein;
- 25 5. For punitive and/or exemplary damages in an amount to punish Defendants;
- 26 6. For attorney's fees in prosecuting this action; and,
- 27 7. For such other and further relief as the Court deems just and proper.

1 Dated: November 20, 2018

CHRISTOPHER H. WHELAN, INC

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3 

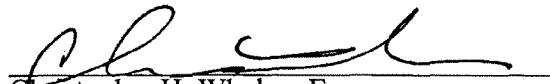
4 Christopher H. Whelan, Esq.
Attorney for PLAINTIFF, **DWYANE LITTLE**

5
6 **DEMAND FOR JURY TRIAL**

7
8 PLAINTIFF hereby demands trial by jury on all issues so triable in the Complaint.
9

10
11 Dated: November 20, 2018

CHRISTOPHER H. WHELAN, INC.

12
13 

14 Christopher H. Whelan, Esq.
Attorneys for PLAINTIFF, **DWYANE LITTLE**